

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-220400

DATE: November 1, 1985

MATTER OF: William Everett

DIGEST:

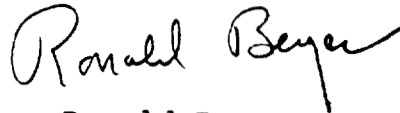
To be subject to review by GAO under the Competition in Contracting Act of 1984, a protest must pertain to a procurement of property or services by a federal agency. A protest concerning a lease of government property therefore will not be considered, since a lease is a type of sale, not a procurement of property or services. Protests concerning sales will be reviewed by GAO only where the federal agency involved has agreed to such review.

William Everett protests the award by the Navy of a lease for two parcels of agricultural land at the Concord Naval Weapons Facility, Concord, California. The protester contends that small businesses have not been receiving a sufficient share of the leases, and the two leases at issue therefore should have been set aside for small businesses. The protest is dismissed.

Under the Competition in Contracting Act of 1984 (CICA), 31 U.S.C.A. § 3551(1) (West Supp. 1985), our Office is authorized to review protests concerning proposed contracts for the "procurement of property or services" by a federal agency. Here, the protest concerns a lease of government land by the Navy, and, as such, it does not involve a procurement of property or services within the meaning of CICA. Rather, a lease is a type of sale by a federal agency, and, as our Bid Protest Regulations indicate, we will review protests concerning sales by a federal agency only if the agency agrees in writing to have its protests decided by our Office; the Navy has not done so. See 50 Fed. Reg. 14,770 (1985) (notice of agreement by the Forest Service and the General Services Administration to have protests concerning sales considered by General Accounting Office). As a result, there is no basis for review of the protest by our Office. See Equity Federal Savings Bank, B-219318, July 24, 1985, 64 Comp. Gen. ___, 85-2 CPD ¶ 81.

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The protest is dismissed.

A handwritten signature in cursive script, reading "Ronald Berger". The signature is written in dark ink and is positioned above the printed name and title.

Ronald Berger
Deputy Associate
General Counsel